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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,
12 Petitioner,
13 v.
14 GLORIA ESPINOSA DE OSORIO,
15 Respondent.
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Case No.: 10-CR-2646-L

**ORDER DENYING MOTION FOR
MODIFICATION OF TERM OF
IMPRISONMENT PURSUANT TO
18 U.S.C. § 3582(C)(2)**

17 On November 24, 2014, Petitioner Gloria Espinosa de Osorio (“Petitioner”),
18 proceeding *pro se*, filed a motion for relief of sentence pursuant to 18 U.S.C. §
19 3582(c)(2). Petitioner’s motion is based upon retroactive Amendment 782 of the United
20 States Sentencing Guidelines that pertain to drug trafficking offenses which became
21 effective November 1, 2014. The Government filed an opposition to the motion. For the
22 reasons set forth below, Petitioner’s motion is **DENIED**.

23 Petitioner pled guilty to Importation of Heroin in violation of 21 U.S.C. §§ 952 and
24 960. On July 27, 2011, this Court sentenced Petitioner to 120 months in the custody of
25 the Bureau of Prisons for one count of Importation of Heroin, the mandatory minimum
26 sentence required.
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1 Amendment 782 reduces the base offense level for drug trafficking offenses in §
2 2D1.1(c) of the Sentencing Guidelines. *See* Amendment 782, Supplement to Appendix
3 C, Amendments to the Guidelines Manual. A motion for reduction of sentence under §
4 3582(c)(2) “is simply a vehicle through which appropriately sentenced prisoners can urge
5 the court to exercise leniency to give [them] the benefits of an amendment to the
6 guidelines.” *United States v. Townsend*, 98 F.3d 510, 513 (9th Cir. 1996) (quoting
7 *United States v. Whitebird*, 55 F.3d 1007, 1011 (5th Cir. 1995) (internal quotation marks
8 omitted)). However, a mandatory minimum sentence may not be reduced by a district
9 court under section 3582 because the guideline amendments do not reduce such
10 sentences, instead, court are only authorized to reduce sentences “based on a sentencing
11 range that has subsequently been lowered by the Sentencing Commission” *United*
12 *States v Sykes*, 658 F.3d 1140, 1148 (9th Cir. 2011).

13 Petitioner was sentenced to the mandatory minimum of 120 months for
14 Importation of 1 kilogram and more of heroin, therefore, the sentence was not modified
15 by the amended guidelines and cannot be reduced pursuant to Amendment 782.
16 Petitioner’s motion for a reduction in her sentence is **DENIED**.

17 **IT IS SO ORDERED.**

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19 Dated: November 9, 2017

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22 Hon. M. James Lorenz
23 United States District Judge

24 COPIES TO:

25 PETITIONER

26 U.S. ATTORNEY’S OFFICE
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